

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) PATRICIA THOMPSON, as)
Personal Representative of the)
Estate of MARCONIA LYNN)
KESSEE,)
Plaintiff,)
-vs-) No. CIV-19-113-SLP
(1) NORMAN REGIONAL HOSPITAL)
AUTHORITY d/b/a NORMAN)
REGIONAL HOSPITAL, a public)
trust, et al.,)
Defendants.)



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VIDEOCONFERENCE DEPOSITION OF KEITH L. HUMPHREY

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON DECEMBER 21, 2020

COMMENCING AT 9:04 A.M.

* * * *

REPORTED BY: BETH A. McGINLEY, CSR, RPR

INSTASCRIPT, LLC
125 PARK AVENUE, LL
OKLAHOMA CITY, OKLAHOMA 73102
schedule@instascript.net
Phone: (405) 605-6880 Fax: (405) 605-6881

1 Q Somewhere in here, there is, I believe, a
2 reference to the actual code violation. Oh, yes, Page 2
3 of the confidential report.

4 A Of the big report?

5 Q Yes.

6 A Page 2?

7 Q It will be Exhibit 4. All right. And at the
8 bottom of that, it says, "Policy 325. -- 320.5.9.(c),"
9 and then it's -- reads the same as what we read,
10 "Conduct exceeding lawful peace officer -- exceeding
11 lawful peace officer powers by reasonable, unlawful or
12 excessive conduct, sustained. Policy 320.5.9.(m)" --
13 well, that one's a long one, but it's the second one
14 that we read, as well, "Conduct -- any other on- or
15 off-duty conduct which any member knows or reasonably
16 should know is unbecoming a member of this department,
17 is contrary to good order, efficiency or morale, or
18 tends to reflect unfavorably upon this department or its
19 members, sustained." Do you see those?

20 A I do.

21 Q Those two sections, 320.5.9(c), 320.5.9(m),
22 are the two sections that you determined violated the
23 training and practices of the Norman Police Department?

24 A Yes.

25 Q Okay. And let me rephrase it, because I don't

1 know if that was a great question.
2 Those two sections, 320.5.9.(c) and
3 320.5.9.(m), are the sections that you determined were
4 violated by Officer Canaan and Officer Brown on
5 January 16, 2018, with regard to their conduct related
6 to the Kessee incident?

7 A Yes.

8 Q Okay. Everything else they did in accordance
9 -- everything else they did on January 16th, 2018, was
10 in accordance to your policies at the Norman Police
11 Department?

12 MR. KNIGHTON: Object as to form. You can
13 answer.

14 A Well, when you say "everything that they
15 did" --

16 Q (By Mr. Hicks) Well --

17 A -- could you just kind of --

18 Q Let me rephrase this.

19 Besides these two policy violations, you found
20 that they violated no other policies of the Norman
21 Police Department?

22 A That is correct.

23 Q Okay. They were not disciplined for any
24 violation of any policy besides the two violations
25 listed on Page 2 of the confidential report?

1 Q Uh-huh. I agree with that, but was it what
2 you meant when you said "escorting" them?

3 A That... they should not have dragged him from
4 the property prior to any -- any type of arrest.

5 Q Okay. Would you agree that they did not
6 accidentally drag Marconia Kessee?

7 A I would agree to that.

8 Q In your pre-disciplinary conference, you told
9 both of them that they didn't do anything intentional.

10 But that was intentional, wasn't it?

11 MS. GOOCH: Object to the form.

12 A I think what I -- what I told them, Mr. Hicks,
13 was I did not believe they did anything to contribute to
14 his -- to his death.

15 Q (By Mr. Hicks) You used the exact words
16 "intentional."

17 A Okay.

18 Q So would you agree that, in fact, they did do
19 something intentional? They dragged Mr. Kessee
20 intentionally?

21 A Yeah, they did.

22 Q Okay. In the course of dragging Mr. Kessee,
23 the interviewer in the IA recording notes -- and it's in
24 the confidential report -- that when Mr. Kessee fell off
25 the curb, that he made a noise of -- that -- I believe